IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

JOHN FIELDS, :

Plaintiff, :

vs. : CIVIL ACTION 05-0673-KD-C

RAY FARMER, et al.,

Defendants.

<u>ORDER</u>

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is ADOPTED as the opinion of this Court. It is ORDERED that this action be and is hereby DISMISSED without prejudice for failure to prosecute and to obey the Court's order.

DONE this 5th day of October, 2006.

/s/ Kristi K. DuBose KRISTI K. DuBOSE UNITED STATES DISTRICT JUDGE